

Notice of Allowability

Application No.

10/535,031

Examiner

Robert P. Swiatek

Applicant(s)

MANN, CHARLES D

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8 May 2007; telephone interview of 11 June 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-18,23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6-11-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: In claim 1, line 6, the phrase –, said first and second members having non-planar outer surfaces– has been inserted between “with” and the semicolon; in claim 14, line 5, the phrase –, said members having non-planar outer surfaces– has been inserted between “them” and the semicolon; on page 3, line 7, of the specification, “FIG. 2 is a section view” has been changed to –FIGS. 2-1 and 2-2 are section views–; on page 4, line 28 (as amended 8 May 2007), “FIG. 2” has been changed to –FIGS. 2-1, 2-2–.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art does not disclose a pet toy having a first non-planar concave molded member with a first peripheral edge and first arcuate notch, a second non-planar concave member with a second peripheral edge and second arcuate notch; the two concave members defining between them a treat-retaining cavity, and a fastener extending through the cavity and fastening the first member to the second member such that the peripheral edges are spaced apart. The prior art patent to Alvarez (US 3,704,539) discloses a device for holding a poison bait tablet or other mass. The device includes a top cover 10 having a concave

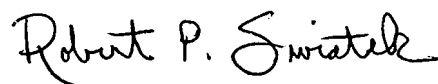
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underside, a bottom cover 20 with a concave interior surface, a fastener 22 passing through a central cavity formed by the covers 10, 20 and engaging an annular recess. Radial wedges 10', 20' on the facing surfaces of the covers extend outwardly towards the cover peripheries, but terminate short of the peripheries so that the portion of each cover between the wedge end and the cover periphery could be construed as a kind of notch. However, the outer surface of cover 20 of Alvarez is planar to permit it to be secured to a flat surface, and it would not have been obvious to one skilled in the art to cause it to be anything but planar.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

This case is being passed to issue with allowed claims 1, 2, 4-7, 13, 8-12, 23, 14-18, 24, renumbered as claims 1-19.

RPS: 571/272-6894
11 June 2007



ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT ~~320~~ 3643